

n Hoffman

REPORT OF THE COMMITTEE

APPOINTED FOR THE PURPOSE OF

Securing to Colored People

IN

PHILADELPHIA

THE

RIGHT TO THE USE

OF THE

STREET-CARS.

PHILADELPHIA:

MERRIHEW & SON, PRINTERS,

No. 243 Arch Street, below Third St.

CALL OF THE MEETING

To take into consideration the question of the Colored People and the Street Cars.

PHILADELPHIA, Jan. 2, 1865.

The undersigned invite the citizens of Philadelphia who are opposed to the exclusion of respectable persons from the Passenger Railroad Cars, on the ground of complexion, to unite with them in a Public Meeting, to be held at CONCERT HALL, on FRIDAY EVENING, the 13th inst., to consider the subject, and to take such action as may be deemed advisable.

[I am opposed to the exclusion of respectable persons from the cars on the ground of complexion; but I take no part in either attending or calling public meetings.]

HORACE BINNEY.
January 7th, 1865.]

Horace Binney, Jr.,
John Ashurst,
N. B. Browne,
Charles Gibbons,
Robert B. Cabeen,
A. A. Konigsmacher,
William Henry Rawle,
George Trott,
Stephen Colwell,
George H. Boker,
Henry O. Carey,
E. W. Clark,
Philip P. Randolph,
Benjamin Coates,
Alonzo Potter,
Joseph Price,
Lindley Smyth,
Dillwyn Parrish,
Abraham Barker,

Thomas Mott,
William W. Justice,
George D. Parrish,
William Hunt,
Edward Parrish,
Edward T. Pusey,
B. B. Comegys,
B. P. Hunt,
Benjamin H. Brewster,
Charles Gilpin,
Charles D. Cooper,
Mordecai L. Dawson,
Charles Wise,
William Bacon Stevens,
Henry J. Morton,
Phillips Brooks,
M. A. De Wolf Howe,
Robert J. Parvin,
J. Edwards,
T. De Witt Talmage,
Joseph T. Cooper,
Frank L. Robbins,
George H. Stuart,
John P. Verree,
Saunders Lewis,

Jay Cooke,
Lemuel Coffin,
William Welsh,
J. Forsyth Meigs,
James Mott,
Matthew W. Baldwin,
Evan Randolph,
Samuel Parrish,
H. F. West,
James G. Knowles, Jr.,
Joseph Parrish,
William C. Baker,
William Dorsey,
Dillwyn Parrish, Jr.,
Stephen S. Price,
John L. Jenks,
A. Campbell,
Joseph Whitehead,
W. W. Knowles,
J. Miller McKim,
Francis R. Cope,
S. S. White,
John T. Walton,
Jacob Wise,
M. B. Keely.

The resolutions adopted at the meeting called and held as above, of which M. W. Baldwin was Chairman, and Cadwalader Biddle, J. M. McKim and others were Secretaries, will be found on the third page of the cover.

EXTRACT FROM THE MINUTES.

In response to a call stating that the final meeting of the Committee and settlement of the Treasurer's account would take place on Tuesday, May 28th, Messrs. Hunt, Corson, and Randolph were present.

The account of the Treasurer was presented, and accepted as audited.

On motion, it was ordered that one thousand copies of the said report be printed for distribution, and that it be accompanied with a brief statement from the Chairman of the operations of the Committee.

On motion, adjourned, *sine die*.

PHILIP P. RANDOLPH,

Secretary.

REPORT.

The Committee appointed at a public meeting held at Concert Hall, on the 13th of January, 1865, for the purpose of securing to our colored people their right to the use of the street cars, feel bound to those who appointed them, and to those who contributed to their funds, to make this brief report.

Its publication has been deferred for some weeks, in consequence of a request made by Mr. Charles Gibbons, one of the counsel in the late car suits, that his argument should be printed by the Committee and laid before the Judges of the Supreme Court; but, as yet, he has not found time fully to prepare it.

The Committee first appealed for redress to the respective presidents of our nineteen street railways. These gentlemen replied, practically, by placing in the hands of such of their

passengers as would receive them, ballots "for" and "against" the admission of colored people, to be signed by the voters and handed to the car-conductors, as judges. After two days of tumultuous balloting in this manner, an overwhelming majority "against admission" was informally reported as the result. The author of this new method of settling our social questions was Mr. George Williams, the president of the Tenth and Eleventh Street Railway.

The Committee next requested the late Mayor Henry to prevent the police from assisting conductors in ejections. This he declined to do, stating that, as the question had not been judicially determined, the police interfered with his knowledge and approbation; and he frankly put forth his own personal prejudices as an additional reason for exclusion. Except in his more than average frankness, the late Mayor well represented our educated, respectable and religious classes.

They then turned to the Legislature; but the House Passenger Railway Committee, twelve out of its fifteen members being Republicans, persistently refused to report, in any shape, a bill for preventing exclusion, which had already passed the Senate. So great was their dread of committal on this question, that they even childishly destroyed the original bill; and it was only under threats of exposure from Senator Lowry, its author, that the chairman reproduced it from the records of the Senate. These legislators were fair representatives of the class of men who are put into office by the help of Radical votes.

All these abortive attempts at justice were made in the first three months of 1865. From that time to the passage of the act last, of the act forbidding exclusion, the active members of the Committee were occupied, as they found opportunity, in redress through the courts of justice and public opinion. They raised funds and assisted nine ejected colored people in preparing to bring suits against conductors in the criminal courts, but our grand juries uniformly ignored their complaints. They also assisted four plaintiffs in bringing civil actions for damages before the Supreme Court in *nisi prius*, but in all these cases verdicts were rendered, under the charge of the judge, against the plaintiffs, or they were turned out of court by non-suit.

Thus all the direct efforts of the Committee to obtain justice

were defeated by men in office. But these men in office fairly represented all but a very small portion of this community. Time, however, and the drift of public opinion, have at length brought about what the Committee could not effect.

It is a noticeable fact, and one which betokens the near approach of negro suffrage in this State, that several of the Republican representatives in the Legislature from this city, who, two years ago, could not be induced to take a bill to prevent exclusion out of committee and bring it before the House, this year could not be persuaded to keep such a bill back. It was the opinion of the legal advisers of your Committee that the settlement of this question properly belonged to the Supreme Court. These advisers asserted that the law was already in favor of admission, that further legislation was superfluous, and that the action of the Legislature could only, at best, be prospective, while that of the Supreme Court would be retrospective as well. The Court, therefore, could alone declare authoritatively whether, in the late outrages, the car companies or the colored people had been the law-breakers; in other words, whether the several plaintiffs who had brought suits which were and are still pending, were right or wrong.

These views were laid before some of the city members, who had also been members in 1865, with the request that the proposed bill should be withheld until the Supreme Court should have had time to take action on the subject, through one of the cases above mentioned, then ready for trial. But the reply was that the contest between the colored people and the car companies was now a party question, and the bill must go on. And the result has shown that this decision was correct; for the proverbial delays of the law and serious doubts that the Supreme Court *in banc* would decide this question in favor of the colored people prevented any of the cases above-mentioned from coming before it during its last term, while the Legislature promptly passed its bill, and the colored people at once obtained their rights.

And it was best, on the whole, that they should have obtained them in this manner. The people of this country are becoming, more and more, a law unto themselves. They no longer need, if they ever needed, supreme courts as law-givers, either on

their social questions, or on their national policy. The true office of those who represent our people on any such questions has become simply declaratory. The real wants and the wishes of an intelligent people are one and the same. The great expounder of spiritual laws told us, a century ago, that all true regeneration must be begun in and by the will of the individual, for "the will is the man." This is equally true as to all genuine reforms, in really free society.

It is therefore that the instincts and perceptions of men fresh from the people, even if they are not very wise nor very good men, render them fitter instruments to put into form the unshaped law which is constantly being evolved by the popular workings of new social wants, than are judges of supreme courts. These, if haply they are not mere organs of parties or sects, are, from special professional training, very apt to apply to the present, rules and precedents which belong only to the past. They are, consequently, neither representatives nor correctives of living public sentiment, and when they leave their ordinary technical duties, to pronounce on fresh social or national questions, they too often stand in the people's way.

The *dictum* of one such sectarian judge has, for some months past, been standing between the working people of this city and their right to Sunday cars. His brethren have been appealed to, in an argument wonderfully cogent, but they are taking the leisurely interval between March last and October next to decide whether, in their opinion, he is right or wrong. Meantime the number of infant lungs which shall cease to expand forever, for want of the vitality that fresh summer air, freely inhaled, alone can give, will never be known.

We want no more of such judicial dictation, but in place of it, and in remedy of its evils, better popular representation.

The Committee, notwithstanding their want of direct success, nevertheless have the satisfaction of believing that their efforts have not been useless. The formal, public demand which they made for the admission of the colored people to the cars, going, as they did, from company to company in person, caused a ferment in the public mind, and ferment is the first process of purification. Then also their circulars, newspaper com-

munications and reports, and, above all, their *verbatim* reports of testimony, and of the adverse charges of the Court in the cases tried, published from time to time, with comments by the press, here and in New York, produced a manifest effect on public sentiment and, through this, on the Legislature.

Still success came mainly by the drift of public opinion. This has brought us into a more genial atmosphere, and caused new convictions to spring up in regard to colored people. It can hardly be said that prejudice against color has yet very greatly diminished. Before prejudice can be removed its causes must be removed; and one of the chief of these is inequality of condition, which can only be adjusted by the ballot.

Exclusion from the cars continued in full force up to the last possible moment before the passage of the act. It was even attempted after the act was signed. Cars were thrown off the track during the past winter because colored people were in them, sometimes in the presence of the police, and no effectual means were used to prevent it by Mayor McMichael, any more than they were used to prevent the police from assisting in ejections, by his predecessor. Our people looked on the while with indifference, if not with approval.

It is clear then, that the disposition to fraternize, or even to sympathize, in any true sense, with colored people, had not, up to the passage of the act, much increased. But there had been a great change in one respect. The conviction had come home to nearly every mind in the community that prejudice could no longer be allowed to reign supreme in directing our conduct toward this large class of our population. We have not failed to see that the late slaves must inevitably be admitted soon to their full rights as citizens in the South, and we are forced to the conclusion that what takes place there must, for a still stronger reason, take place here. We therefore almost mechanically fall in with the march of events, and obey, without resistance, the great law of movement. This is our only merit.

But while love to the Lord and the neighbor has had little to do with this change, this great, central, moving principle of Christianity will gain—is gaining—new power within us in consequence of it.

The conduct of our colored friends in the use of their newly acquired right has been all but faultless. With an instinctive sense of propriety, which, it is feared, would be looked for in vain in any other race under like circumstances, they now enter the cars, not with an air of exultation, at having gained a disputed point, but as if the point had never been disputed. It is also remarked that they resort to the cars sparingly, and, when not in clean clothes, voluntarily take their old places on the forward platform. The most offensive occupants of seats,—the drunken, the profane, the tobacco-chewing, the unwashed and the selfish—are still of color other than black or brown.

On the other hand, men who two years ago were violent in their opposition to admission, now, with almost ostentatious pertinacity, keep their places without shrinking, as if it were a point of honor, as members of a law-abiding community, for them to do so, when colored persons take seats next them.

By a sort of tacit moral pre-arrangement, where trouble and strife were with so much confidence predicted, offence is neither given nor taken. And even better than this. Many men and women who, within the last few weeks, have found themselves seated for the first time beside decent and well-behaved colored people, and this without harm or annoyance from the so much dreaded contact, have also found stirring within their hearts, in consequence, a new influx of Christian charity.

Thus now, as always, the evils which men fear they shall be called on to encounter as the result of doing what is just and humane, are discovered, when they really are encountered, not to be evils at all, but blessings pure and simple.

To Mr. Charles Gibbons, Mr. Geo. H. Earle and Mr. R. P. White, the Committee are indebted for valuable professional services, for which these gentlemen have received small compensation.

Their thanks are also due to the editors of the "Evening Bulletin," the "Press," and the New York "Tribune," for the free use of their columns, and their ready and able advocacy of a just cause.

In behalf of the committee.

B. P. HUNT.

B. P. HUNT, *Treasurer, in account with the Colored People and Street-Car Committee.*

DR.

To expenses of public meeting	\$ 54 50
Travelling expenses, and expenses at Harrisburg.....	67 40
Prothonotary and magistrates' fees.....	29 75
Witness, plaintiff, and other trial expenses.....	100 92
Printing circulars, pamphlets, paper books and reports.....	449 89
Geo. H. Earle, counsel fees.....	25 00
Charles Gibbons, "	50 00
John Goforth, "	650 00
Advertising and notices.....	107 36
Stationery and stamps.....	15 58
Short-hand reporters.....	60 00
Clerk, arrests and incidentals.....	23 70
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	\$1634 10

CR.

By subscription as per list herewith.....	\$1628 00
Advanced by the Treasurer.....	6 10
	<hr/>
	\$1634 10

We have examined the above account and vouchers, and find them correct.

PHILIP P. RANDOLPH,

ROBT. R. CORSON.

JAMES A. WRIGHT.

Philada., May 25, 1867.

CONTRIBUTIONS.

Evan Randolph	\$ 40 00	Samuel S. White.....	60 00
Francis R. Cope.....	50 00	A. H. Franciscus.....	25 00
Wm. Still.....	5 00	Atherton Blight.....	10 00
Archibald Campbell.....	20 00	B. P. Hunt.....	40 00
James A. Wright	55 00	John H. Towne	40 00
C. Wharton	10 00	Thomas B. Wattson.....	50 00
McAllister & Co.....	15 00	E. W. Clark.....	50 00
Philip P. Randolph.....	45 00	R. N. Rathbun.....	25 00
Lemuel Coffin.....	20 00	R. B. Cabeen.....	10 00
Abraham Barker.....	90 00	Geo. F. Tyler.....	10 00
Benj. Coates.....	10 00	Morton McMichael, Jr.....	5 00
Geo. D. Parrish.....	30 00	Charles Wise	5 00
John P. Wetherill.....	5 00	A. Konigmacker.....	10 00
Horace Binney, Jr.....	30 00	Edward N. Wright.....	10 00
Richard Cadbury	5 00	R. W. & C. B. & Co.....	10 00
Geo. W. Childs (in printing)	33 00	Jay Cooke	45 00
Edward S. Buckley.....	60 00	Dillwyn Parrish.....	10 00

J. G. Fell	25 00	Joshua T. Jeanes	10 00
J. W. Field.....	20 00	Cash.....	20 00
Hugh D. Vail.....	15 00	Social, Civil and Statistical	
Mordecai L. Dawson.....	10 00	Assoc. of Colored People...	100 00
Coates Brothers.....	10 00	Mr. Augustine (through R.	
Edward Wetherill.....	90 00	R. Corson).....	5 00
Wm. Sellers.....	30 00	John W. Price.....	15 00
D. S.....	5 00	Abolition Society	100 00
Henry S. Jones.....	5 00	Samuel Jeanes.....	10 00
T. J. Dorsey.....	10 00	Thomas H. Powers.	20 00
Stephen Colwell.....	25 00	Ellis Yarnall.....	30 00
J. W. Hallowell.....	5 00	Thomas Williamson.....	10 00
M. W. Baldwin.....	10 00	Race St. Friends' Freedmen's	
Richard Richardson.....	10 00	Association.....	50 00
Marmaduke C. Cope.....	20 00	J. G. Rosengarten	10 00
Dr. Mifflin Wistar	10 00		
Henry C. Jones.....	10 00		\$1628 00

RESOLUTIONS.

Resolved, That, in the words of our venerable and respected townsman, whose name leads the call for this meeting, we are "opposed to the exclusion of respectable persons from our Passenger Railroad Cars on the ground of complexion."

Resolved, That we have heard, with shame and sorrow, the statement that decent women of color have been forced to walk long distances, or accept a standing position on the front platform of these cars, exposed to the inclemency of the weather, while visiting, at our military hospitals, their relatives who have been wounded in the defence of the country.

Resolved, That we recognize as the two main causes of all our present troubles, the enslavement of the black man at the South and contempt for him at the North; and we hold it to be fitting and just that both these great evils should disappear together. But, while we accord to every member of society the fullest liberty of choice and action in whatever relates to private interests, subject only to the control of law and conscience, we protest against the assumption that an unchristian prejudice, or a fastidious taste, may longer be allowed to take precedence of justice and humanity in determining the rights of any class of citizens to the use of our public conveniences and institutions.

Resolved, That we respectfully request the Presidents and Directors of our City Railroads to withdraw from their list of regulations this rule of exclusion which deprives our people of color of their rights, and is in direct opposition to the recent decisions of our Courts of Justice.

Resolved, That in view of these recent decisions, the rights of our colored population in respect to the cars are without reserve; and to confine them to the use of special cars, bearing aloft the degrading labels of caste, and running at long intervals, is a simple substitution of one act of injustice for another, and is as much in violation of their rights as is the rule of total exclusion.

Resolved, That a Committee of *twenty-one* be appointed by the Chairman, with power to add to their number, whose duty it shall be to present, in person, a copy of these resolutions, with the names of the officers of the meeting appended, to each one of the Presidents of our City Railroads, requesting in respectful terms his response to the same, and to report the result of their mission, through the public press or otherwise, on or before Wednesday, the 25th inst.

COMMITTEE

Appointed to carry into effect the above Resolutions.

B. P. Hunt,
Cadwalader Biddle,
Horace Binney, Jr.,
M. L. Dawson,
John Ashurst,
N. B. Browne,
Charles Gibbons,
Dr. Joseph Parrish,
James A. Wright,
Edward Parrish,
Stephen Colwell,
E. W. Clark,
P. P. Randolph,
John W. Field,
Abraham Barker,

Edward Wetherill,
Robert R. Corson,
Col. Louis Wagner,
John H. Towne,
Philip C. Garrett,
George H. Stuart,
John P. Verree,
Lemuel Coffin,
James Mott,
J. M. McKim,
Francis R. Cope,
S. S. White,
Edward S. Buckley,
J. G. Rosengarten,
Geo. K. Zeigler.

